

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-32168-2021 (O & M)

Date of decision:13.06.2022

Krishan

.... Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. G.S.Goraya, Advocate, for the petitioner.

Mr. Vikrant Pamboo, DAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of the regular bail to the petitioner in case FIR No.313 dated 29.05.2021 under Section 18 of the NDPS Act and Section 201 IPC (Sections 29, 27-A of NDPS Act added later on) registered with Police Station Shahabad, District Kurukshetra.

2. The brief facts of the case are that the investigating agency received secret information that two persons namely Irshad son of Ishraf and Ashfaq son of Islam, residents of Jharkhand, who deal in selling narcotic substances (opium) would be coming in their truck No. OD-16E-7172 and would be going from Karnal to Ambala with opium. If a *naka* was set-up, then the aforesaid two accused could be arrested with the contraband. Based on the said information, a *naka* was set-up and after complying with various requirements under the NDPS Act, the aforementioned truck was stopped, the two persons were arrested and 05 kgs. and 100 grams of opium

3. Thereafter, on the basis of the disclosure statement of the accused, the petitioner came to be arrested on 21.06.2021.

4. The learned counsel for the petitioner submits that except for the disclosure statement of his co-accused, there is no admissible evidence against him and there no other case pending against him under the NDPS Act. In view of the fact that the petitioner was in custody since 21.06.2021, he ought to be granted the concession of bail.

5. The learned State counsel, on the other hand, contends that the petitioner had transferred a sum of Rs.25,000/- two-three times in the account of his co-accused Ashfaq, and therefore, the connection between the petitioner and his co-accused is duly established. He further contended that there were call records between the petitioner and his arrested co-accused to establish the connection between them, and the petitioner had destroyed his mobile phone No.96957-60509. Therefore, there is sufficient evidence to connect the petitioner and his co-accused.

6. I have heard the learned counsel for both the parties.

7. A huge quantity of contraband has been recovered from the co-accused of the petitioner. It would be matter of adjudication during the trial as to whether the petitioner can be held liable for the said recovery. However, keeping in view the stringent provisions of Section 37 of the NDPS Act, I do not find it to be a fit case to grant regular bail to the petitioner. Therefore, the present petition is hereby dismissed at this stage.

(JASJIT SINGH BEDI)
JUDGE

June 13, 2022
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No